

Superseded 5/12/2015

35A-3-306 Limits on eligibility.

- (1) For purposes of this section, "battered or subjected to extreme cruelty" is defined in Section 103(a)(1) of P.L. 104-193 or 42 U.S.C. Sec. 608(a)(7)(C)(iii), The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- (2) Except as provided in Subsection (4), the division may not provide cash assistance to a family who has received cash assistance for 36 months or more.
- (3)
 - (a) The division shall count toward the 36-month time limit in Subsection (2) any time after January 1, 1997, during which:
 - (i) the parent client received cash assistance in this or another state; and
 - (ii) the parent client is disqualified from receiving cash assistance and the parent client's income and assets are counted in determining eligibility for the family in this or another state.
 - (b)
 - (i) The division may not count toward the 36-month time limit in Subsection (2) or the 24-month time period in Subsection (4) any time during which:
 - (A) a person 18 years of age or older received cash assistance as a minor child and not as a parent; or
 - (B) a parent client received transitional support cash assistance.
 - (ii) Transitional support cash assistance:
 - (A) may be paid if the department determines the assistance is necessary to stabilize employment and prevent recidivism;
 - (B) is only available to a parent client who was previously receiving cash assistance under the Family Employment Program but who becomes ineligible due to earned or unearned income; and
 - (C) may be granted for a maximum of three months provided the parent client is employed an average of 30 hours per week during the transitional period.
- (4)
 - (a) For up to 24 months, the division may provide cash assistance to a family beyond the 36-month time limit in Subsection (2) if during the previous two months, the parent client was employed for no less than 20 hours per week.
 - (b) For up to 20% of the average monthly number of families who receive cash assistance under this part, the division may provide cash assistance to a family beyond the 36-month time limit in Subsection (2):
 - (i) by reason of a hardship; or
 - (ii) if the family includes an individual who has been battered or subjected to extreme cruelty.
 - (c) For up to 20% of the average monthly number of families who receive cash assistance under this part, the division may provide cash assistance to a family beyond the additional 24-month time period in Subsection (4)(a):
 - (i) by reason of a hardship; or
 - (ii) if the family includes an individual who has been battered or subjected to extreme cruelty.
 - (d) Except as provided in Subsections (4)(b) and (c), the division may not provide cash assistance to a family who has received 60 months of cash assistance after October 1, 1996.